

**MINUTES**  
**Colorado State Board of Dental Examiners**  
**OPEN - FULL SESSION**  
**October 21, 2009 - 1:00 p.m.**  
**1560 Broadway, Suite 1380**  
**Denver, CO 80202**

**I. CALL TO ORDER**

**MEMBERS PRESENT:** F. Robert Murphy, DDS, Board Chairperson; Elizabeth Thompson, RDH, Board Vice-Chairperson; Catherine Hakala, DDS; Brian Davidson, MD; Steven A. Tilliss, DDS, MS; G. Garo Chalian, DDS; Eve Bluestein, MD, DDS; Lisa Reitmaier, RDH; Peter Carlesimo, DDS; Annette Isenbart, RDH and Noble Wallace

**MEMBERS ABSENT:** Melanie Names, JD & Duane Takaki, DDS

**STAFF PRESENT:** Maulid Miskell, Program Director; Sue Kim, Senior Assistant Attorney General; Susan Machmer, Senior Assistant Attorney General; Leanne Clasen, Program Manager; Jessica Lehew, Administrative Assistant and Abigail Gaskins, Compliance Monitor

**II. MINUTES AND AGENDA**

A motion was made, seconded and carried to **approve with additions** the October 21, 2009 Open Full Board Agenda.

A motion was made, seconded and carried to **approve as amended** the July 9, 2009 Open Full Board Minutes.

A motion was made, seconded and carried to **approve as written** the August 24, 2009 Rules and Regulations Committee Minutes.

A motion was made, seconded and seconded and carried to **approve as amended** the July 6, 2009 Rules and Regulations Committee Minutes.

**III. RULEMAKING**

The Board convened public rulemaking hearing, which was convened at 1:02 p.m. The hearing was properly noticed under the provisions of the Administrative Procedure Act to consider Rules III and XIV.

Dr. F. Robert Murphy presented an overview of the proposed rules. A full opportunity was provided for submission of oral and written comments by the public.

**Rule III**  
No hearing

No written documents were offered or received in advance of or at the hearing. No persons appeared to testify, and no oral comments or testimony was offered or received at the hearing. A motion was made, seconded and carried to **adopt as amended** together with statement of basis and purpose, as published with the Notice of Rulemaking Hearing, to become effective December 30, 2009.

**Rule XIV**  
The following documents were received and reviewed by the Board:

1. E-mail dated July 24, 2009 from Tom Froning, DDS
2. Letter date stamped August 24, 2009 from Mark Brown, DDS
3. Letter dated September 17, 2009 from James Dost, DDS
4. Letter dated September 28, 2009 from Michael DeWitt, DDS
5. Letter dated September 22, 2009 from Andrew Bland, DDS
6. Letter dated September 23, 2009 from Lloyd G. Thomas Jr. DDS, MS

7. Letter date stamped September 29, 2009 from Elizabeth Hill, DDS
8. Letter dated September 29, 2009 from Boyd Tomasetti, DMD
9. E-mail dated September 18, 2009 from Adam Weaver, DDS, MS, PC
10. Letter dated October 14, 2009 from Amy Reed
11. E-mail dated September 15, 2009 from Andrew Howard, DDS
12. E-mail dated September 21, 2009 from Clinton Callahan, DMD
13. E-mail dated September 16, 2009 from David Baer, DDS
14. E-mail dated September 29, 2009 from Douglas Evans, DDS
15. E-mail dated September 28, 2009 from Jeffrey Kahl, DDS
16. E-mail dated September 19, 2009 from Jesse Witkoff, DDS
17. E-mail dated September 24, 2009 from John Bitting, Esq. for DOCS
18. E-mail dated September 22, 2009 from Kemie Houston, DDS, MS, PC
19. E-mail dated September 26, 2009 from Michael Rollert, DDS
20. E-mail dated September 24, 2009 from Ronald Charity, DMD
21. Letter from Thomas Hebda, DDS
22. E-mail dated September 24, 2009 from William Holderbaum, DDS
23. E-mail dated July 17, 2009 from R. Peter Sonntag, DDS

Open public testimony ensued. Oral comments were made by:

1. Jeff Kahl, DDS
2. Bill Schwartz, DDS
3. Michael Rollert, DDS
4. James Dost, DDS
5. John Bitting, Esq. for DOCS
6. Sarah Broten, DMD
7. Jurak Ajdari, DDS
8. Jim Armbruster, DMD
9. Dave Lurye, DDS
10. Elizabeth Barr, DDS
11. Ulrich Klein, DDS
12. Boyd Tomasetti, DMD
13. Amy Reed
14. Lisa Stimmel, DDS

The public rulemaking hearing **closed** at 1:45 p.m.

Discussion among the Board members ensued, including discussion of various proposed amendments.

**Rulemaking Hearing Adjournment:** The October 21, 2009 Rulemaking Hearing of the Colorado State Board of Dental Examiners adjourned at 1:45 p.m. A motion was made, seconded and carried to **refer the proposed Rule XIV back to the Rules and Regulations Committee** for further clarification. The rule will be revisited at the January 21, 2010 meeting for final consideration of whether or not to adopt.

## **IV. REPORTS**

### **PROGRAM DIRECTOR**

Verbal presentation given by Maulid Miskell, Program Director. A verbal report was given regarding the anesthesia applications; cases at the OAG are no longer backlogged; and dental renewal license fees will increase in February 2010.

Verbal presentation given by F. Robert Murphy, DDS, Panel Chairperson. A verbal report was given regarding the success of the Colorado Mission of Mercy volunteer event and an update on the CRDTS Annual Meeting held in Kansas City. Dr. Murphy also thanked the Anesthesia Committee for their hard work on Rule XIV.

### **PROFESSIONAL ASSOCIATIONS**

**ADA** – Advanced Specialty and Postdoctoral General Dentistry Education Programs. **Board noted.**

Dental Education Programs. **Board noted.**

Dental Assisting, Dental Hygiene and Dental Laboratory Technology Education Programs. **Board noted.**

**AADE** – Verbal presentation given by Deb Astroth, RDH on the AADE Annual Meeting - Hawaii. **Board noted.**

**AAPD** – Advertisements. **Board noted.**

**ADEA** – Statement on Professionalism in Dental Education. **Board noted.**

**AGD** – AGDtranscript - July 2009 Issue. **Board noted.**

**CDA** – Journal of the Colorado Dental Association. **Board noted.**

**CITA** – Newsletter. **Board noted.**

**CRDTS** – Annual Meeting 2010. **Board noted.**

Retiring Examiners. **Board noted.**

Newsletter. **Board noted.**

Steering Committee. **Board noted.**

ERC Letter dated July 20, 2009 from Stephan F. Holcomb, DMD Chair, CRDTS Dental ERC. **Board noted.**

**CLEAR** – Verbal report from Elizabeth Thompson, RDH. **Board noted.**

**DANB** – Major Board Actions August 2009. **Board noted.**

**FDA** – FDA Issues Final Regulation on Dental Amalgam. **Board noted.**

**Joint Commission on National Dental Examinations** – Nominations for the Public Member of the Joint Commission on National Dental Examinations. **No nominations.**

**The American Academy of Oral and Maxillofacial Radiology** – Introduction of CBCT – Cone Beam Computed Tomography. A motion was made, seconded and carried to respond that **the Board does not currently have any rules or regulations** pertaining to this issue at this time.

**WREB** – Annual Report. **Board noted.**

Newsletter. **Board noted.**

**NC State Board of Dental Examiners** – Newsletter. **Board noted.**

**MS State Board of Dental Examiners** – Newsletter. **Board noted**

## **MISCELLANEOUS**

**2010 Meeting Dates** – A motion was made, seconded and carried to **accept** these dates and to authorize the Program Director to amend dates as needed.

**Latesse Eyelash Treatment** – A motion was made, seconded and carried to **decline the request for an advisory opinion.**

**Sargenti Paste** – A motion was made, seconded and carried to **decline the request for an advisory opinion.**

**Stepping Stones to Success** – **Board noted.**

**Soft tissue lasers for the Management of Headaches** – A motion was made, seconded and carried to **decline the request to answer.**

Teeth Whitening – Board noted.

**PEER ASSISTANCE**

PAS 4th Quarter Report FY 2009 – Board noted.

**SIGNED STIPULATION/FINAL AGENCY ORDERS; CEASE & DESIST ORDERS;  
UNCONTESTED LETTERS OF ADMONITION AND CLOSURE OF STIPULATIONS**  
Board noted.

**SIGNED STIPULATIONS/FINAL AGENCY ORDERS; CEASE AND DESIST ORDERS**  
(June 26, 2009 through October 13, 2009)

*1. Signed Stipulations and Final Agency Orders*

ALMEIDA, Adam DDS	License #8043	Case #2008-000087 and 2008-002353
Stipulation and Final Agency Order, effective July 16, 2009		
BARRETO, Nelly DMD	License #8014	Case #2007-002826
Stipulation and Final Agency Order, effective August 21, 2009		
BIRNER, Mark DDS	License #6097	Case #2008-001201
Cease and Desist Order, effective September 30, 2009		
DAVIS, Caroline RDH	License #200363	Case #2009-002395
Stipulated Letter of Admonition, effective August 20, 2009		
HOAG, David DDS	License #6204	Case #2010-000373
Interim Cessation of Practice Agreement, effective July 31, 2009		
LOETZ, Duane DDS	License #3216	Case #2010-000434
Interim Cessation of Practice Agreement, effective September 5, 2009		
MARTINEZ, Efren DDS	License #105802	Case #2008-001435
Stipulated Letter of Admonition, effective July 16, 2009		
MAUGHAN, Kenneth DDS	License #8719	Case #2008-002081
Stipulated Letter of Admonition, effective July 16, 2009		
PASSARELLI, Lori RDH	License #903944	Case #2008-000776
Stipulation and Final Agency Order, effective July 7, 2009		
RIVARD, Claudia RDH	License #1879	Case #2009-002394
Stipulated Letter of Admonition, effective August 19, 2009		
WARD, Daniel L., DDS	License #8602	Case #2008-001348 and 2008-001349
Stipulated Letter of Admonition, effective August 14, 2009		
WHITNEY, Janie RDH	License #2742	Case #2009-003620
Stipulated Letter of Admonition, effective July 31, 2009		
WOODSEN, Shari RDH	License #904521	Case #2008-003763
Order of Summary Suspension, effective July 6, 2009		

**UNCONTESTED LETTERS OF ADMONITION and CLOSURE OF STIPULATIONS**  
(June 26, 2009 through October 13, 2009)

*1. Uncontested Letters of Admonition*

CARDOSO, Luiz DDS	License #7482	Case #2007-002828
Letter of Admonition, effective September 16, 2009		

ROMERO, Monique RDH                      License #201663                      Case #2009-003660  
Letter of Admonition, effective May 18, 2009

## 2. Closed Stipulations

PERENTIS, Gregory DDS License #7510 Case #2006-003168  
Stipulation and Final Agency Order, closed on August 12, 2009

QUIGLEY, John I., DDS License #6804 Case #2006-003575  
Stipulation and Final Agency Order, closed on July 9, 2009

TOPOLNYCKY, Andrew, DDS License #8650 Case #2007-003585  
Stipulation and Final Agency Order, closed on July 9, 2009

WELCH, Scott, DMD                      License #6462                      Case #2008-000882  
Stipulation and Final Agency Order, closed on August 12, 2009

## IV. CONSULTANT APPLICATIONS

- 1) Walt Vogl, DDS – A motion was made, seconded and carried to **ratify** F. Robert Murphy's decision to approve this application.
- 2) Mark Adams – A motion was made, seconded and carried to **approve** this application.

**ATTORNEY GENERAL**

Board Annual Ethics Update – At 4:08, a motion was made, seconded and carried unanimously to enter into executive session pursuant to Section 24-72-204(3)(a)(I), (3)(a)(II)(A) and (3)(a)(III), C. R. S., for the purpose of discussing matters required to be kept confidential by federal law or rules or state statutes, including individual scholastic achievement data which are confidential pursuant to Colorado Revised Statutes section 24-72-204(3)(a)(I), (3)(a)(II)(A) and (3)(a)(III), and for the purpose of discussing with counsel disputes that are the subject of pending or imminent court action, discussing specific claims or grievances, and receiving legal advice on specific legal questions. Pursuant to Colorado Revised Statutes section 24-6-402(3)(a)(II) and (III), including: the Board's legal obligations, individual Board members' legal obligations, conflicts of interest, Open Meetings Law, executive session, laws governing licensing and disciplinary procedures, procedural matters, legal options. And any other matters related to the governing law. After discussion at 4:46 p.m., the Board left executive session and returned to open session. **No action was taken.**

**V. ADJOURNMENT:** The October 21, 2009 Open Full Board meeting of the Colorado State Board of Dental Examiners adjourned at 4:50 p.m. The next meeting will be conducted on January 21 at 8:00 a.m. in Ste. 1250 C.

Signed by F. Robert Murphy, DDS  
F. Robert Murphy, DDS  
Board Chairperson

July 8, 2010  
Date